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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No. 6803 of 2007

PETITIONER

Jogeshwar Yadav S/o Shri Bhikhan
Yadav aged about 45 years, R/o Badi
Koni, Birkona Magra, Bilaspur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh Through:-
Secretary, Department of Public
Works, Dau Kalyan Singh Bhawan,
Raipur (C.G.)
2. Engineer-in-Chief, Public Works
Department Raipur (C.G.)
3. Executive Engineer, Public Works,
Department Patthalgaon, Jashpur
(C.G.)

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

Presence :

Shri S.P. Kale, counsel for the petitioner.

Ms. Sunita Jain, Panel Lawyer, for the State on advance
copy.

ORAL ORDER
(17.11.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

Learned counsel for the petitioner submits that the
petitioner was appointed prior to 31.12.1988 and at present, he
is working as a daily wages employee in Public Works
Department (PWD) at Patthalgaon. He also submits that the
petitioner has filed this petition praying for a relief in terms of
the judgment and order passed by the Supreme Court in the
case of Secretary, State of Karnataka and Others Vs. Umadevi
(3) and Others and Mineral Exploration Corporation Employees'
Union Vs. Mineral Exploration Corporation Limited & Anr.

The Supreme Court in the case of Secretary, State of
Karnataka and Others (supra), in para 53 has held as under:

"53. The question of regularization of the services of
such employees may have to be considered on merits in
the light of the principles settled by this Court in the
cases above referred to and in the light of this judgment.
In that context, the Union of India, the State



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Governments and their instrumentalities should take steps to regularize as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme."

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and without expressing any opinion on merits of the case, the request made by learned counsel for the petitioner is allowed, which appears to be just, fair and reasonable. Therefore, the petitioner is allowed to make a detailed representation, raising all his grievances annexing a copy of the writ petition and its annexures to the concerned authority within a period of 3 weeks from today and the concerned authority is directed to decide the representation at the earliest, in an objective manner, on its own merits, in accordance with law.

However, this shall be subject to verification of documents regarding appointment of the petitioner prior to 31.12.1988, which he has claimed in his writ petition.

Sd/-
Sunil Kumar Sinha
Judge